

**APPROVED SUMMARIZED MINUTES
SCOTTSDALE CHANNEL 11 PROGRAMMING COMMISSION
REGULAR MEETING
THURSDAY, MARCH 11, 2010**



**City Hall Kiva
3939 N. Drinkwater Boulevard
Scottsdale, AZ 85251**

Call to Order

Chairman Whitmer called to order the meeting of the Channel 11 Programming Commission on Thursday, March 11, 2010 in the Kiva, City Hall at 12:00 P.M.

Roll Call

A formal roll call confirmed members present as stated below, noting the presence of a quorum.

Present:

Chairman R. Lamar Whitmer, Commissioners Peter P. Klute, Robert Krahman, Debra Ann Ott and Virgil Renzulli.

Absent:

Commissioners Barry Kluger and Wayne Rowan

Also Present:

Assistant City Attorney Kay Cooper
IT Director Robert Fisher
Video Production Manager Dennis Grzelak
Cable Television License Administrator Kevin Sonoda

1. Approval of February 11, 2010 Minutes –

Chairman Whitmer asked if there were any comments or changes to the minutes.

NOTE IN ACCORDANCE WITH PROVISIONS OF THE ARIZONA REVISED STATUTES THE SUMMARIZED MINUTES OF CHANNEL 11 PROGRAMMING COMMISSION MEETINGS ARE NOT VERBATIM TRANSCRIPTS. ONLY THE ACTIONS TAKEN AND DISCUSSION APPEARING WITH QUOTATION MARKS ARE VERBATIM.

(This first-page footer language is optional and does not have to be used in board/commission/committee minutes.)

COMMISSIONER KLUTE MOVED TO APPROVE THE MINUTES AS PRESENTED. COMMISSIONER OTT SECONDED THE MOTION. THE MOTION WAS APPROVED FIVE TO ZERO (5-0).

2. Cox Cable policies presentation and discussion - Information/Possible Action.

Kevin Sonoda, the City's Cable Television Licensed Administrator, provided the Commissioners with a copy of the November 24th, 2009 letter from Michael Stull, Manager for Government Affairs with Cox Communication, and attached to these minutes, replying to the City's inquiry concerning the commercial use of City's public access channel. In order to continue discussion with Cox, Mr. Sonoda recommended that the Commission provide staff with a framework and scope, as to what the foundation would look like and the type of revenue generating opportunities that would be appropriate.

Chairman Whitmer stressed that the Commission's intent is to develop a foundation that would provide better information about government and public education. Commissioner Renzulli recommended that the Commission first see what is permissible under the City's agreement with Cox and, in particular, look at a business model for similar non-commercial stations.

Discussion ensued addressing the following points:

- Look at what other municipalities are doing within the state or nationally.
- Review current franchise/license agreement with Cox regarding advertising provisions and discuss any legal issues cooperatively.
- What is permissible by federal law.
- Is it possible to underwrite, take donations, underwrite production of programs without controlling the contents.
- Interpretation of "commercial purpose" and definition of "commercial programming" within the Communications Act and case law.
- Underwriting credit – collect the money and not give credit or give credit on line.

Chairman Whitmer requested that Mr. Sonoda provide the Commission, prior to the April 8th meeting, additional information on the City of Oakland "PBS" model.

After discussion, it was agreed that the following parameters would be presented to Cox prior to inviting Cox to attend a public forum:

- Setting up and naming a non-profit foundation, possible a 501(c) (3)
- Tie between the foundation and programming
- How to get funding
 - a. accept donations from "for" profit and "non-profit" individual/commercial entities
 - b. through membership dues and fees
 - c. underwriting credit
 - d. assist in the production of shows
- How the funding would be used

3. Discussion and possible recommendation to the City Council for an appropriation request – Possible Action.

Following the December 2009 meeting, Chairman Whitmer provided the Commissioners with a description of a proposal for an Executive Producer/Commission Liaison "contract" staff member and the need to request for an appropriation from the City Council for this position.

Discussion ensued regarding the following concerns and issues:

- Need to establish our relationship with Cox and if it is legally allowed with the City's current agreement with Cox.
- Need for a feasibility/business/viewership study.
- Determine if the position is for an "entity" as part of this Commission or as part of City staff.
- If a charitable foundation, need a specific skill set.
- Position encompasses two, possibly three separate responsibilities and duties: 1) programming liaison 2) establishing/running a foundation and 3) fund raiser.

Several questions were posed regarding the budget cycle, the possibility of reserving a line item for future use, the likelihood to tap incremental resources at a later date and the status of Cable 11 budget. Robert Fisher, IT Director, informed the Commission that a tentative budget will be presented to the Budget Commission in April, prior to presenting it to the City Council for their review.

Commissioner Ott reminded the Commission that one of the primary goals of a prior advisory committee was to have a liaison work with this Commission and bridge the gap between staff and this Commission. Also, part of the Mayor's and City's goals and objectives for this Commission was to see changes with Cable 11, with a focus on what is going on in Scottsdale.

CHAIRMAN WHITMER MOVED TO REQUEST AN APPROPRIATION FOR \$100,000 FROM THE CITY COUNCIL TO BRING ON A CONTRACT EMPLOYEE TO LIAISON WITH THIS COMMISSION, LOOK INTO FUND RAISING/FOUNDATION ASPECT AND MOVE ON TO NEW PROGRAMMING AND SECONDED BY COMMISSIONER OTT. THE MOTION WAS UNAPPROVED TWO TO THREE (2-3).

4. Discussion regarding the airing of candidate forums conducted by "for profit" businesses on Channel 11 – Discussion Item.

Commissioner Ott expressed her concern, with the lack of communication to the Commission from staff, regarding upcoming forums in particular, with a public forum scheduled for July 26th. This forum, which is being sponsored by the Scottsdale Republic and hosted by Opinion Editor Robert Leger, is in contradiction to the "Guidelines for election forums" section of **CityCable Programming Guidelines** which states *"The forum must be sponsored by a non-partisan community group or news organization."* The Scottsdale Republic does take positions, does endorse candidates and does tell citizens how to vote.

Discussion ensued regarding this issue addressing the need for staff to be diligent before scheduling forums and for the Commission to adhere to the Programming Guidelines. Commissioner Renzulli remarked that it is vital to make a distinction between information content and the source before denying a request to schedule a public forum.

Chairman Whitmer Opened Public Comment: John Washington, who was involved in the City's last election cycle, expressed his concern that the Commission must give consideration to whether or not an organization can be neutral and balance delivery of a forum, as well as the perception of whether or not that organization can be neutral and balance.

Dennis Grzelak notified the Commission of the other scheduled upcoming forums, stressing that staff did follow the Programming Guidelines set by the Commission when these dates were confirmed.

- July 19th – sponsored by Scottsdale Republic for the district 5 election
- July 26th - council candidates' debate sponsored by Realtors Association
- July 29th – council candidates' debate sponsored by the Scottsdale Republic

August 2nd - debate sponsored by Scottsdale Republic on the State House elections

Chairman Whitmer recommended revisiting the Programming Guidelines at the next scheduled meeting.

5. Discussion regarding the Commission's role with respect to the application of the CityCable Programming Guidelines and the approval/disapproval of specific programming on Channel 11 – Discussion Item.

Chairman Whitmer informed the Commission that this item was addressed pursuant to discussion in Item No. 4.

6. Public Comment

Mr. Ray Torres informed the Commission that he is associated with a private, for-profit organization working on a public interest program concerning health care. Regarding this program, he asked the Commission 1) who has the authority to schedule and air programs, and 2) what definitive criteria has the Commission proposed to know, in advance, whether a program will be approved and aired on Channel 11. Chairman Whitmer informed Mr. Torres that his questions will be taken under advisement and will be addressed at a future meeting.

7. Commission Updates

Commissioner Klute expressed his concern that Item No. 3 discussed and voted earlier would be pursued further before consideration is given to hire an individual. Chairman Whitmer informed the Commission that the item will be agendaized for the appointment of a subcommittee to be discussed at the next meeting.

Commissioner Krahman asked staff if there is a resource guide listing new programs that have been produced. Mr. Grezlak informed the Commission that a program e-guide is provided on the City's website. However, if the Commission would prefer a more enhanced program guide, that can be done.

Commission Ott inquired on the status of a replacement for Pat Dodds, Communications and Public Affairs Officer and staff liaison, who has recently retired. Mr. Grezlak informed the Commission that Mike Phillips is temporarily filling this position.

Adjournment

With no further business to discuss, the regular meeting was adjourned at 1:09 p.m. The next regular meeting is scheduled for Thursday, April 8th.

SUMMARIZED MINUTES

SUBMITTED BY:

Anne Carroll
Office Coordination Manager

REVIEWED BY:

Dennis Grzelak
Video Production Manager